

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DEVELLE SPENCER,)	
)	
Plaintiff,)	07 C 6696
)	
vs.)	Honorable Judge
)	Robert W. Gettleman
THOMAS DART et. al,)	
)	
Defendants.)	

**MOTION TO ENLARGE THE TIME PERIOD IN WHICH
TO MOVE, ANSWER OR OTHERWISE PLEAD**

NOW COMES Defendants, Carlos Altez and Yan Yu through their attorney, RICHARD

A. DEVINE, State's Attorney of Cook County, by his Assistant State's Attorney, Kevin Frey, pursuant to Federal Rule of Civil Procedure 6(b) (1), moves this Honorable Court to enlarge the time period in which to move, answer or otherwise plead until September 10, 2008, and to vacate any and all defaults that may have been entered. In support, defendant states:

1. Defendants were served with summons on July 10, 2008.
2. Defendants subsequently requested representation from the Cook County State's Attorney's Office, and the undersigned attorney was assigned to represent the defendants on July 28, 2008.
3. The undersigned immediately ordered all CCDOC records and Cermak records for the plaintiff that may be germane to Plaintiffs' claims. These are expected to be voluminous, and will take a great deal of time to assemble due to the wide range of allegations involved in the Complaint.
4. That once the undersigned attorney is in receipt of all relevant jail and medical records regarding the incident(s) alleged in the complaint, he will have to determine whether an

answer or dispositive motion should be filed on behalf of the defendants, and subsequently served defendants. If an answer is to be filed, the undersigned must meet with all served defendants to prepare their answers and determine whether any conflict in representation exists.

5. The undersigned attorney is not being dilatory in bringing this motion, and apologizes to this Honorable Court for any inconvenience that this extension may cause.

WHEREFORE, the defendants respectfully request that this Honorable Court vacate any defaults, technical or otherwise that may have been entered, and grant an enlargement of time until September 10, 2008, to move, answer or otherwise plead in this matter.

Respectfully submitted,

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